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4 UNITED STATES DISTRICT COURT
5 DISTRICT OF NEVADA

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7 HARVEY McDANIELS,

Case No. 2:15-cv-00251-MMD-PAL

8 Plaintiff,

ORDER

9 v.

(IFP Application – Dkt. #1)

10 STEVEN WOLFSON, et al.,

11 Defendants.

12 This matter is before the court on Plaintiff Harvey McDaniels' Application to Proceed *In*
13 *Forma Pauperis* (Dkt. #1) pursuant to 28 U.S.C. § 1915. Plaintiff is a prisoner proceeding in this
14 action *pro se*, and he has submitted a Complaint along with a financial affidavit and inmate trust
15 account statement required by 28 U.S.C. § 1915(a)(2). This proceeding was referred to the
16 undersigned pursuant to the provisions of 28 U.S.C. § 636(b)(1)(A) and (B) and Local Rules IB
17 1-9.

18 Plaintiff's financial affidavit shows that he is unable to prepay fees and costs or give
19 security for them. Accordingly, his request to proceed in forma pauperis will be granted
20 pursuant to 28 U.S.C. § 1915(a). Plaintiff must pay an initial partial filing fee of the greater of
21 twenty percent of the average monthly deposits or twenty percent of the average monthly balance
22 of his account for the six months immediately preceding the commencement of this action. *See*
23 28 U.S.C. § 1915(b)(1). Plaintiff's average monthly balance is \$36.07, and his average monthly
24 deposit is \$286.05. Therefore, the court finds that Plaintiff must pay an initial partial filing fee of
25 \$57.21. Upon receipt of the initial partial filing fee, the court will screen Plaintiff's complaint
26 pursuant to 28 U.S.C. § 1915A ("The court shall review, before docketing, if feasible or, in any
27 event, as soon as practicable after docketing, a complaint in a civil action in which a prisoner
28 seeks redress from a government entity or officer or employee of a governmental entity").

1 Plaintiff is advised that even if this action is dismissed, he must still pay the full filing fee
2 pursuant to 28 U.S.C. § 1915(b)(2).


3 Accordingly,

4 **IT IS ORDERED:**

- 5 1. Plaintiff's Application to Proceed *In Forma Pauperis* (Dkt. #1) is GRANTED.
6 He shall Plaintiff shall be required to pay an initial partial filing fee in the amount
7 of \$57.21 toward the full filing fee of \$350.00. Plaintiff shall have until **May 29,**
8 **2015,** to have the designated fee sent to the Clerk of the Court. Failure to do so
9 may result in a recommendation to the district judge for dismissal of this action.
10 Even if this action is dismissed, the full filing fee must still be paid pursuant to 28
11 U.S.C. § 1915(b)(2). Upon receipt of the initial partial filing fee, the court will
12 screen Plaintiff's complaint pursuant to 28 U.S.C. § 1915(a).
- 13 2. Plaintiff is permitted to maintain this action to conclusion without the necessity of
14 prepayment of any additional fees or costs or the giving of security therefor. This
15 Order granting in forma pauperis status shall not extend to the issuance of
16 subpoenas at government expense.
- 17 3. The Clerk of Court shall provide Plaintiff with two copies of this Order. Plaintiff
18 is ordered to make the necessary arrangements to have one copy of this Order
19 attached to the check in the amount of the initial partial filing fee.
- 20 4. Pursuant to 28 U.S.C. § 1915(b)(2), the Clark County Detention Center shall
21 forward to the Clerk of the United States District Court, District of Nevada,
22 twenty percent preceding month's deposits to Plaintiff's account (in the months
23 that the account exceeds \$10.00) until the full \$350.00 filing fee has been paid for
24 this action. The Clerk of the Court shall send a copy of this Order to the Finance
25 Division of the Clerk's Office. If Plaintiff should be transferred and come under
26 the care of the Nevada Department of Prisons, the CCDC Accounting Supervisor
27 is directed to send a copy of this Order to the attention of the Chief of Inmate
28 Services for the Nevada department of Prisons, P.O. Box 7011, Carson City, NV

1 89702, indicating the amount that Plaintiff has paid towards his filing fee, so that
2 funds may continue to be deducted from Plaintiff's account. The Clerk shall send
3 a copy of this order to the CCDC Accounting Supervisor, 330 S. Casino Center
4 Blvd. Las Vegas, NV 89101.

5 Dated this 29th day of April, 2015.

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8 PEGGY A. ZEEN
9 UNITED STATES MAGISTRATE JUDGE
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